

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS (EASTERN DIVISION)

<p>Comcast of Georgia/Massachusetts, Inc. and Comcast of Middletown, Inc. and Comcast of Boston, Inc. and Comcast of California/ Massachusetts/ Michigan/Utah, Inc. and Comcast of Maine/New Hampshire, Inc. and Comcast of Massachusetts I, Inc. and Comcast of Massachusetts II, Inc. and Comcast of Massachusetts III, Inc. and Comcast of Massachusetts/New Hampshire/Ohio, Inc. and Comcast of New Hampshire, Inc.</p> <p>Plaintiffs,</p> <p>vs.</p> <p>Joseph Amaro, Dimas Amaro, and Joseph Amaro and Dimas Amaro, Jointly d.b.a. CABLEJOINT and D's Electronics</p> <p>Defendants</p>	<p>Case No.: 04-cv-10414-RCL</p> <p>AFFIDAVIT OF JOHN M. MCLAUGHLIN IN SUPPORT OF THIRD MOTION TO AMEND SCHEDULING ORDER</p>

Now comes the affiant, and makes this his sworn statement, under the pains and penalties of perjury, of his own personal knowledge.

FACTUAL ASSERTIONS

1. I am Counsel for the Plaintiffs in this Action.
2. I sent written discovery to Defendants on July 29, 2005.
3. I served discovery with the reasonable intent that a reply would be made prior to the my deposing individuals in this action.

4. Unfortunately, the I have received *no*:
  - a. Response to discovery;
  - b. Request for extension;
  - c. Objections to its discovery as of this date.
5. I need to review discovery response, especially response to the interrogatories, prior to the depositions in this case and my written discovery was served such that this review would have been possible had there been timely response to said discovery.
6. I have already initiated procedures pursuant to the Local Rules to deal with the lack of discovery response but it is extremely unlikely written that written discovery will be responded to in time for me to review said response and then depose individuals within the timeframe of the existing scheduling order.
7. I or my office staff and has telephoned Defendants' counsel on multiple occasions, leaving voice messages, both last week before discovery was due and this week but I has received no response to our voice messages regarding the request for an extension and/or the discovery issue.
8. This extension will *not* delay the other dates already set forth in this court schedule as the November 2 date is the date for Plaintiffs' expert disclosure.

Subscribed and sworn to, under the pains and penalties of perjury,

August 31, 2005

/s/John M. McLaughlin